

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

1) VIDEO GAMING TECHNOLOGIES, INC.,	)	
	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:17-cv-00454-GKF-JFJ
	)	
1) CASTLE HILL STUDIOS LLC	)	
(d/b/a CASTLE HILL GAMING);	)	
2) CASTLE HILL HOLDING LLC	)	
(d/b/a CASTLE HILL GAMING); and	)	
3) IRONWORKS DEVELOPMENT, LLC	)	
(d/b/a CASTLE HILL GAMING)	)	
	)	
Defendants.	)	

**DECLARATION OF GARY M. RUBMAN IN SUPPORT OF PLAINTIFF’S  
OPPOSITION TO DEFENDANTS’ MOTION CHALLENGING PLAINTIFF’S  
DESIGNATIONS UNDER THE PROTECTIVE ORDER**

1. I am an attorney with the law firm of Covington & Burling LLP, counsel for Plaintiff Video Gaming Technologies, Inc. (“VGT”). I was admitted *pro hac vice* in this case on August 9, 2017.

2. Attached as **Exhibit 1** is a true and correct copy of a letter sent from the Coalition for Fair Gaming to the National Indian Gaming Commission (“NIGC”), dated December 11, 2017. This letter currently is available via the website of the Coalition for Fair Gaming at <http://www.fairnessfight.com>.

3. Attached as **Exhibit 2** is a true and correct copy of an email exchange between counsel for Castle Hill Gaming (“CHG”) and counsel for VGT that occurred between November 9, 2018 and November 20, 2018.

4. Attached as **Exhibit 3** is a true and correct copy of a letter I sent to CHG's counsel, dated November 28, 2018.

5. Attached as **Exhibit 4** is a true and correct copy of a letter I sent to CHG's counsel, dated December 12, 2018.

6. Attached as **Exhibit 5** is a true and correct copy of a letter sent from the Coalition for Fair Gaming to the NIGC, dated November 13, 2017. This letter currently is available via the website of the Coalition for Fair Gaming at <http://www.fairnessfight.com>.

7. Attached as **Exhibit 6** is a true and correct copy of an undated draft letter sent to the NIGC. This letter currently is available via the website of the Coalition for Fair Gaming at [http://www.fairnessfight.com/wp-content/uploads/2017/10/NIGC\\_Letter.pdf](http://www.fairnessfight.com/wp-content/uploads/2017/10/NIGC_Letter.pdf).

8. Attached as **Exhibit 7** is a true and correct copy of a document that CHG produced from its files bearing Bates numbers CHG0092380-84.

9. Attached as **Exhibit 8** is a true and correct copy of an excerpt of the privilege log CHG produced in this litigation.

10. Attached as **Exhibit 9** is a true and correct copy of an email sent from counsel for CHG to counsel for VGT, dated January 25, 2019.

11. Attached as **Exhibit 10** is a true and correct copy of an email exchange between counsel for CHG and counsel for VGT that occurred between November 28, 2018 and December 12, 2018.

12. Attached as **Exhibit 11** is a true and correct copy of an excerpt of the transcript of a hearing before the Court that took place on December 6, 2017.

13. Attached as **Exhibit 12** is a true and correct copy of a document VGT produced in this litigation that was used during the deposition of Richard Williamson and identified in that deposition as Exhibit 7.

14. Attached as **Exhibit 13** is a true and correct copy of a document VGT produced in this litigation that was used during the deposition of Richard Williamson and had previously been identified as Exhibit 105.

15. I declare under penalty of perjury that the foregoing is true and correct.  
Executed on February 7, 2019 in Washington, D.C.



---

Gary M. Rubman

**CERTIFICATE OF SERVICE**

I hereby certify that on February 7, 2019, I caused the foregoing to be served via ECF on the following counsel for Defendants:

Robert C. Gill  
Thomas S. Schaufelberger  
Matthew J. Antonelli  
SAUL EWING ARNSTEIN & LEHR, LLP  
1919 Pennsylvania Avenue, NW, Suite 550  
Washington, D.C. 20006  
(202) 295-6605  
(202) 295-6705 (facsimile)  
robert.gill@saul.com  
tschauf@saul.com  
matt.antonelli@saul.com

Sherry H. Flax  
SAUL EWING ARNSTEIN & LEHR, LLP  
500 E. Pratt Street, Suite 900  
Baltimore, Maryland 21202  
(410) 332-8764  
(410) 332-8785 (facsimile)  
sherry.flax@saul.com

James C. Hodges, OBA 4254  
JAMES C. HODGES, PC  
2622 East 21st Street, Suite 4  
Tulsa, OK 74114  
Telephone: (918) 779-7078  
JHodges@HodgesLC.Com

Duane H. Zobrist  
Jonathan S. Jacobs  
ZOBRIST LAW GROUP PLLC  
1900 Arlington Blvd. Suite B  
Charlottesville, VA 22903  
Telephone: (434) 658-6400  
dzobrist@zoblaw.com  
jjacobs@zoblaw.com

*Attorneys for Defendants*

/s/ Gary M. Rubman